

### REMARKS

Applicants and Applicants' attorney express appreciation to the Examiner for the courtesies extended during the recent interview held on March 16, 2005. The amendments to the claims and arguments presented by this paper are consistent with the claim amendments and arguments presented during the Interview.

Claims 1-42 are pending, of which claims 1, 11 and 32 are independent method claims and claim 21 is an independent computer program product claim. As indicated above, claims 1, 7, 8, 9, 10, 11, 21 and 32 have been amended by this paper.<sup>1</sup>

The Office Action rejected independent claim 1 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,718,551 to Swix et al. ("*Swix*") in view of U.S. Patent No. 6,185,586 to Judson ("*Judson*"); rejected independent claims 11, 21, and 32 under 35 U.S.C. § 103(a) as being unpatentable over *Swix* in view of *Judson* and U.S. Patent No. 6,639,608 to Itakura ("*Itakura*"); and rejected each of the remaining dependent claims under 35 U.S.C. § 103(a) as being unpatentable over various combinations of *Swix*, *Judson*, *Itakura*, and U.S. Patent No. 6,137,834 to Wine et al. ("*Wine*").<sup>2</sup>

Applicants' invention, as claimed for example in independent method claim 1, relates to transitioning to a video advertisement by displaying a related banner advertisement. The method includes: receiving one or more video streams containing a plurality of real-time video advertisements which begin at a plurality of distinct times; generating, on the display device, a display screen having an advertisement region in which one or more real-time video advertisements are to be displayed; determining that only a tail end of a current real-time video advertisement contained within the one or more video streams is available, in that a begin time for the current real-time video advertisement has passed; determining that a next real-time video advertisement is not yet available for display, in that a begin time for the next real-time video advertisement has not yet been reached; identifying a banner advertisement having subject matter that is related to that of at least one of the real-time video advertisements; while waiting for the begin time of the next real-time video advertisement, displaying the banner advertisement within

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<sup>1</sup>Support for the amendments can be found throughout the Specification, and particularly at paragraphs [008]-[011], [020]-[022], [027]-[030], [035]-[038].

<sup>2</sup>Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to do so in the future. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status or asserted teachings of the cited art.

the advertisement region; determining that the next real-time video advertisement is available for display, in that the begin time for the next real-time video advertisement has been reached; and at the begin time of the next real-time video advertisement, replacing the banner advertisement with the next real-time video advertisement.

Applicants' invention, as claimed for example in independent method claim 11, relates to displaying video advertising content to a viewer by way of the display device. The method includes: receiving one or more video streams containing a plurality of video advertisements; receiving at least one trigger from a first video stream communicating with the processor, the at least one trigger defining a begin time when a first video advertisement in the first video stream is to be displayed, on the display device, within an advertisement region of a display screen; determining that the first video advertisement is not yet available for display; identifying a first banner advertisement having subject matter that is related to that of the first video advertisement; displaying the first banner advertisement within the advertisement region of the display device; analyzing the at least one trigger to identify the begin time when the first video advertisement is to be displayed; determining that the begin time when first video advertisement is to be displayed has been reached; determining that the first video advertisement is available for display; and upon determining that both the begin time has been reached and determining that the first video advertisement is available for display, transitioning between the first banner advertisement and the first video advertisement to display the first video advertisement within the advertisement region.

Applicants' invention, as claimed for example in independent computer program product claim 21, relates to a computer product for implementing a method for displaying video advertising content to a viewer, the video advertising content selectable from at least one video advertisement content deliverable upon at least one video stream. The computer program product includes a computer readable medium carrying computer-executable instructions for implementing the method, and the computer-executable instructions comprise: program code means for receiving one or more video streams containing a plurality of video advertisements; program code means for receiving a first video advertisement from a first video stream of the at least one video stream communicating with the processor, the first video advertisement comprising video advertising content and at least one trigger defining time information regarding the video advertising content; program code means for generating, on the display device, a

display screen having an advertisement region in which the video advertising content is to be displayed; program code means for analyzing the time information of the at least one trigger to identify a begin time when the video advertising content is to be displayed upon a display device within an advertisement region of a display screen; program code means for determining that the video advertising content is not yet available for display; program code means for identifying a first banner advertisement; program code means for displaying the first banner advertisement within the advertisement region of the display device; program code means for determining that the begin time when the video advertising content is to be displayed has been reached; program code means for determining that the video advertising content is available for display; and program code means for transitioning between the first banner advertisement and the advertising content of the first video advertisement, in response to analyzing the trigger, determining that the begin time when the video advertising content is to be displayed has been reached, and determining that the video advertising content is available for display, in order to display the first video advertising content within the advertisement region.

Applicants' invention, as claimed for example in independent method claim 32, relates to a method for targeting a viewer with video advertising content based upon the viewer's preferences. The method includes: receiving one or more video streams containing a plurality of video advertisements; retrieving preference data from a data source, the preference data representing viewing selections of the viewer; identifying a plurality of video advertisements deliverable to the processor by a plurality of video streams, each video advertisement of the plurality of video advertisements comprising video advertising content, at least one trigger, and a video content identifier; analyzing each of the plurality of video streams to identify at least one video advertisement of the plurality of video advertisements in compliance with the preference data based on the video content identifier of the at least one video advertisement; generating a display screen having an advertisement region in which the at least one video advertisement is to be displayed; determining that the at least one video advertisement is not yet available for display; identifying a first banner advertisement in compliance with the preference data; while waiting for the at least one video advertisement to become available, displaying the first banner advertisement within the advertisement region of the display device; analyzing the at least one trigger to identify a begin time when the at least one video advertisement is to be displayed; determining that the begin time when the at least one video advertisement is to be display has

been reached; determining that the at least one video advertisement is available for display; and in response to analyzing the video content identifier of the at least one video advertisement, analyzing the at least one trigger to identify the begin time, determining that the begin time has been reached, and determining that the at least one video advertisement is available for display, transitioning between the first banner advertisement and the least one video advertisement in order to display the at least one video advertisement when the at least one video advertisement is available for display.

In order to establish a *prima facie* case of obviousness, "the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP § 2143 (emphasis added). During examination, the pending claims are given their broadest reasonable interpretation, i.e., they are interpreted as broadly as their terms reasonably allow, consistent with the specification. MPEP §§ 2111 & 2111.01.

*Swix* discloses providing targeted advertisements over a networked media delivery system. Col. 3, ll. 27-29. As described at column 11, lines 29-57, *Swix* delivers bit map or video advertisements from a file server to set-top boxes. The file server can download each advertisement when a set-top box requests the advertisement for insertion or can download an entire library of advertisements to a memory buffer when the set-top box is initially activated and instruct the set-top box to retrieve a certain advertisement from the buffer to be played to a subscriber. To save cache space, the head end initially screens the advertisements that are to be loaded ahead of time on the set-top box and removes the advertisements that would not appeal to that specific subscriber.

*Judson* discloses enhancing the operation of a web browser by causing the display of useful information during the downtime that otherwise occurs between the linking and downloading of a hypertext document identified by the link. Col. 1, l. 65 – col. 2, l. 1. Where the information is related to the link, it is desirable to embed the information within the web page from which the link is launched. Col. 2, ll. 55-58. The information is preferably "hidden" within the web page using a hypertext markup comment tag. Col. 2, ll. 58-59; col. 9, ll. 29-53; Fig. 6. Alternatively, the information may be downloaded whenever there is "idle" time during the connection between the client and the server. Col. 10, ll. 18-20.

*Itakura* discloses a display and display controller which receives an active image and a passive image (advertisement) over the World Wide Web for display in separate display areas.

Col. 2, ll. 3-53. When making a request to an information provider, both the active images and passive images are sent from the information provider. Col. 2, ll. 54-57. *Itakura* goal is to accurately and effectively select and provide advertisements, while also providing the images requested by a user. Col. 2, ll. 33-37.

Among other things, however, and in combination with the other claim limitations, *Swix*, *Judson*, and *Itakura* fail to teach, suggest, or motivate determining that only a tail end of a current real-time video advertisement contained within the one or more video streams is available, in that a begin time for the current real-time video advertisement has passed; determining that a next real-time video advertisement is not yet available for display, in that a begin time for the next real-time video advertisement has not yet been reached; identifying a banner advertisement having subject matter that is related to that of at least one of the real-time video advertisements; and while waiting for the begin time of the next real-time video advertisement, displaying the banner advertisement within the advertisement region, as recited for example in independent method claim 1; and *Swix*, *Judson*, and *Itakura* fail to teach, suggest, or motivate analyzing a trigger to identify a begin time when a video advertisement is to be displayed; determining that the begin time when the at least one video advertisement is to be display has been reached; determining that the at least one video advertisement is available for display; and in response to analyzing the trigger to identify the begin time, determining that the begin time has been reached, and determining that the video advertisement is available for display, transitioning between a banner advertisement and the video advertisement, as recited in various form in independent claims 11, 21, and 32.

The Examiner seemed to concur with this analysis during the Interview and noted in the Interview Summary that the proposed amendments to claims 1, 11, 21, and 32 appear to distinguish over the art of record and that further consideration and additional searching would be required upon receiving Applicants' formal response.

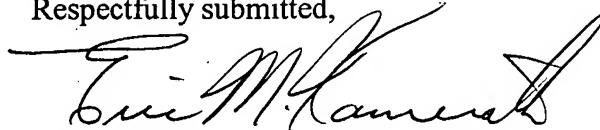
Based on at least the foregoing reasons, Applicants respectfully submit that the cited prior art fails to anticipate or make obvious Applicants' invention, as claimed for example, in independent claims 1, 11, 21, and 32. Applicants note for the record that the remarks above render the remaining rejections of record for the independent and dependent claims moot, and thus addressing individual rejections or assertion with respect to the teachings of the cited art is

unnecessary at the present time, but may be undertaken in the future if necessary or desirable, and Applicants reserve the right to do so.

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 22<sup>nd</sup> day of March, 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric M. Kamerath". The signature is fluid and cursive, with a large, stylized initial "E".

RICK D. NYDEGGER  
Registration No. 28,651  
ERIC M. KAMERATH  
Registration No. 46,081  
Attorneys for Applicant  
Customer No. 047973